



City of Carmel

CARMEL PLAN COMMISSION JANUARY 20, 2004

Minutes

The regularly scheduled meeting of the Carmel Plan Commission met at 7:00 PM January 20, 2004 in the Council Chambers of Carmel City Hall, Carmel, Indiana.

Members present: Jerry Chomanczuk; Leo Dierckman; Dan Dutcher; Wayne Haney; Mark Rattermann; Rick Ripma; Steven Stromquist; Madeleine Torres; Susan Westermeier, thereby establishing a quorum.

Present and representing the Department of Community Services: Mike Hollibaugh, Director; Jon Dobosiewicz; Angie Butler. John Molitor, Legal Counsel, was also in attendance.

The minutes from the December 2003 meeting were approved as submitted.

Legal Counsel Report, John Molitor. Last month, the Commission authorized the Executive Committee to adopt a Resolution directing the DOCS Staff to file the necessary documents with the County Recorder to enable the City to maintain jurisdiction over the entire township. As a result, the City has done so and notified the County that it is continuing to exercise jurisdiction over all of Clay Township or all of its two-mile fringe area within Clay Township because the City boundaries are within two miles of the Township line. The City boundaries take in the entire township; thus the Commission's jurisdiction is the same as it was last year, but the membership structure is different due to the fringe area mechanism rather than the so-called "Joinder" mechanism to exercise jurisdiction over the entire township. Therefore, the City representation remains at 9, but the representation from the unincorporated areas is now 2 by virtue of the State law that provides for two members to be appointed by the County Commissioners.

Department Report, Jon Dobosiewicz. Item 4j, Carmel Science and Technology Park, Lots 11B and 11C, has been tabled to the February meeting. Likewise, item 1k under New Business, Greyhound Commons, Phase II has also been tabled to February. Note that items 9i. through 20i. Carmel Clay Parks sites, as well as items 21i. through 25i. with the exception of Docket 200-03 Z and 202-03 Z will be heard concurrently.

John Molitor swore in new members and re-appointed members as follows: Jerry Chomanczuk; Wayne Haney; Mark Rattermann; Rick Ripma; Steven Stromquist; Madeline Torres; Susan Westermeier.

Election of Officers and Appointments:

Jerry Chomanczuk nominated Leo Dierckman for the office of President for the coming year, seconded by Mark Rattermann. Leo Dierckman was elected president by Unanimous Consent.

Jerry Chomanczuk nominated Dianna Knoll for the office of Vice President, seconded by Mark Rattermann. Dianna Knoll was elected Vice President by Unanimous Consent.

Jerry Chomanczuk nominated Madeleine Torres to serve as the Carmel Plan Commission representative to the Carmel Board of Zoning Appeals, seconded by Mark Rattermann. Madeline Torres was elected as BZA Representative by

Unanimous Consent.

Jerry Chomanczuk nominated Wayne Haney to serve as the Carmel Plan Commission representative to the Hamilton County Plan Commission, seconded by Mark Rattermann. Wayne Haney was elected as Hamilton County Plan Commission Representative by Unanimous Consent.

Jerry Chomanczuk nominated Dan Dutcher to serve as Plan Commission Member-at-Large for the coming year, seconded by Mark Rattermann. Dan Dutcher was elected Member-at-Large by Unanimous Consent.

Note: Leo Dierckman dedicated his term as president to the memory of Jim O'Neal, former Plan Commission Member, Mentor, Friend, and Long-Standing member of the Carmel Community.

I. Public Hearings:

ii. Docket No. 119-03 PP (#03080005) Freiburger-Mitchel Farms - Primary Plat

The applicant seeks approval for a 3-lot subdivision. The site is located at the southwest corner of 141st Street and Spring Mill Road. The site is zoned S-1 /Residence Very Low Intensity.

Filed by Allan Weihe at Weihe Engineers on behalf of J.R. Freiburger.

Dave Barnes, Weihe Engineers, 10505 N. College, Indianapolis, and Allan Weihe appeared before the Commission representing the applicant. The petitioner is seeking approval to plat a 3-lot subdivision located on the north side of 141st Street, approximately 700 feet west of Springmill Road.

Currently, the property is a three-lot, metes and bounds ownership by J.R. Freiburger and David Mitchel. J.R. Freiburger purchased lot one from the Mitchels and intends to construct a home on lot one on the east-side of the tract. Lot one would contain one home only; lot three currently has a home existing and that would remain. Lot two is owned by Dave Mitchel and has an existing barn on the property—no change is planned for this lot.

All utilities are in place; water and sanitary sewer are existing. Storm sewer is currently located on the north side of 141st Street, and the applicant will be dedicating the required right-of-way. The original lot line for lot three has been relocated 10 ½ feet to the east to meet the setback requirements. The line has also been extended farther north to eliminate any “jogs” in the lot line.

Members of the public were invited to speak in favor of this petition; no one appeared. Members of the public were invited to speak in opposition to this petition; the following appeared:

Peter Pogue, 500 Twin Oaks Drive in Ponds West Subdivision, immediately adjacent to the three platted lots, stated that the lot as it currently exists is the only natural habitat left in the area. Fox, coyote, rabbits, owls, and numerous cardinals are in the area and the construction of homes on these lots will destroy the natural habitat for these animals and birds.

Rebuttal:

Dave Barnes responded that they did not want to disrupt wildlife. The current proposal is only for three platted lots; eventually there will probably be two additional homes. At this time, Mr. Mitchel has no intention to move and has no intention to sell lot two. Mr. Freiburger would like to construct a home and is very conscious of the wildlife. Mr. Freiburger has planted trees in the area and the construction of the house will be the only thing to disrupt the area.

The public hearing was then closed.

Department Comments, Jon Dobosiewicz. This item was reviewed at the December 17th TAC meeting and all comments have been satisfactorily addressed. Review letters provided by the government agencies were included in the petitioner's information packets. With the platting of three lots when it really could be split into four or five, two additional homes on the real estate should not affect the tree cover in the area. There are large areas of open space

on these lots. At this time, if there are no issues warranting further discussion, the Department would recommend a suspension of the rules and final action this evening. If there are issues requiring further discussion, the Department would recommend this item be forwarded to the Subdivision Committee for further review on February 3rd.

Jerry Chomanczuk asked if there were any review of this project by the City Forester and if there were any resolution for saving any mature trees on the property. The response from the Department was negative.

Docket No. 119-03 PP (#03080005) Freiburger-Mitchel Farms, Primary Plat, was referred to the Subdivision Committee for further review at 7:00 PM on February 3, 2004 in the Caucus Rooms of City Hall.

2i. Docket No. 164-03 DP/ADLS (#030100016) Tom Wood Subaru

The applicant seeks to construct a new auto sales building. The site is located at 3230 E 96th Street. The site is zoned B-3/Business.

Filed by Lawrence Lawhead of Barnes & Thornburg.

Lawrence Lawhead, attorney, Barnes & Thornburg, with offices at 8900 Keystone Crossing and 11 South Meridian Street, Indianapolis appeared before the Commission representing the applicant.

The applicant is requesting Development Plan and ADLS approval of an auto sales building. The applicant will also be appearing before the Board of Zoning Appeals on developmental and variance issues relating to signage and side yard dimensions.

The proposed auto sales building site is located at 3230 East 96th Street, east of Keystone Avenue on the north side of 96th Street. The property is east of the Shell Station on the northeast corner of 96th and Keystone, and is surrounded by Penske Chevrolet on the north and west sides, and by Nissan dealership on the east side of the site. To the south of the proposed site are existing car dealerships, fast food restaurants, and Bank One in Marion County.

The site is presently zoned B-3 and contains 1 ¼ acres. The use will be for a single franchise—Subaru. The property is a long, thin rectangle with 560 feet of depth. The property is surrounded by existing automobile dealerships and an 8-foot block wall on the west, north, and part of the east side. Mr. Wood plans to significantly up-grade and improve this site.

Parking requirements: The ordinance requires 64 total spaces and the plans provide 79 spaces. Customer and new car display is to the front of the building, along 96th Street and along the east side of the site. Employee parking is to the rear as well as additional, new car inventory. The trash enclosure is also to the rear, totally enclosed and abuts the 8-foot high wall that provides additional screening. The trash enclosure is not visible from 96th Street.

The south elevation of the building reveals a cultured stone tower with a two-foot high Subaru star cluster at the top of the building and dealer identification signs. In order to achieve balance and facilitate identification of the dealership, the Subaru sign and the Tom Wood sign have been split. The Subaru sign is 24.7 square feet; the Tom Wood sign is 20.9 square feet. The applicant will be going before the BZA for a sign variance.

All of the signs are plastic/metal on dryvit and internally illuminated. The Subaru sign and dealer sign are white; the “Service” sign is blue and the Subaru icon sign is dark blue and yellow. The upper part of the building is split-face block; the materials are carried over to the other side of the building.

Landscaping will be installed along 96th Street as well as green area, sidewalks, and evergreens. A 75 foot one-half right-of-way is required on 96th Street and necessitates moving the existing ground sign from the right-of-way line.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Jon Dobosiewicz. Regarding signage: The Committee should look closely at the distribution

of signs across the site, how they may relate to other locations as viewed from 96th Street, and attention paid to redundancy and/or size.

Commission Comments: Jerry Chomanczuk was unsure of the aesthetics of the wide expanse of split-face, concrete masonry--landscaping or design elements would be preferred to break it up.

Lawrence Lawhead responded that the petitioner would be workable in the design element and landscaping.

Dan Dutcher requested confirmation of the inclusion of a multi-use path along 96th Street. The gravel entrance shown on the plans are questionable. Also, the landscape plan seems extremely sparse. These items should be addressed at Committee.

Mark Rattermann had parking concerns with this particular site, especially cars being parked in the grass along 96th Street.

Mr. Lawhead thought this would not be a problem.

Docket No. 164-03 DP/ADLS (#030100016) Tom Wood Subaru, was referred to the Special Study Committee for further review at 7:00 PM on February 3, 2004 in the Caucus Rooms of City Hall.

3i. Docket No. 188-03 PP (#03120002): Chateaux de Moulin - Primary Plat

The applicant seeks to plat a 6-lot subdivision. The applicant also seeks the following subdivision waivers:

188-03a SW (#03120005) SCO 6.3.7 cul-de-sac length

188-03b SW (#03120006) SCO 6.3.20 private street

188-03c SW (#03120032) SCO 6.3.3 stub street

The site is located west of 116th Street & Spring Mill Road. The site is zoned S-2/Residence.

Filed by Joseph Calderon of Ice Miller for Campbell Development 2, LLC.

Joe Calderon, attorney, Ice Miller, One American Square, Indianapolis appeared before the Commission representing the applicant. Also in attendance: Lance Ferrell, Banning Engineering; Scott Campbell, developer; and Mark Zuckerman.

The applicant is seeking approval to plat a six-lot subdivision to be known as Chateaux de Moulin on ten acres. The site is zoned S-2/Residence, low intensity residential. The smallest lot is one acre, ranging to 1.94 acres. This proposal meets or exceeds all of the requirements for the S-1 requirements.

The applicant has been reviewed by the Technical Advisory Committee and has complied with all requested changes.

In laying out this particular design, the applicant is particularly sensitive to the neighbor to the west by squaring up with the existing tennis court, thereby reducing any conflict between headlights and actual residential structures.

A private street is being proposed. The fact that this subdivision only consists of 6 lots equates to very little traffic. The price points proposed will be fairly significant so that a private drive with an entry gate concept is important for preservation of values and also compatible with the development seen on 116th Street to the west. From a safety standpoint, the private drive creates a turn-around area that precedes the gate to the subdivision so that if a delivery vehicle or motorist needs to make a turn around, it can be done before the gate. The gate is set back far off 116th Street to preserve a "private" feel.

The second waiver has to do with cul-de-sac length. The proposal for the cul-de-sac is 1,043 lineal feet, longer than the 600 feet permitted under the code. The applicant feels there is adequate turn-around and adequate pavement width for all emergency vehicles to access any lot that need be. Working with the narrowness and increased depth of the ground should enable the Commission to understand the justification for the increase in cul-de-sac length.

Finally, a waiver is being requested to eliminate any stub street to the edges of the property. As previously described, the plan creates not only a unique, large lot subdivision, but the pattern of development in the area does not create a need to stub into adjoining subdivisions. There is actually an existing lake to the south, and to the east, undeveloped property, there is more development foreseen such that might be found at Williams Mill. Future development may not necessarily be compatible with the proposed six-lot subdivision and it might not be feasible to connect.

The applicant has agreed to walk the site with the Urban Forester. A draft of the restrictive covenants has been tendered to the Department and the development will be controlled by the developer to strict, architectural standards—the minimum house size is 4,00 square feet exclusive of garage, porch, etc. for a two-story house; 4,000 for a single story.

Mr. Calderon stated that he had met with the west adjoiner, Mr. Goad, and he has asked that the landscape buffer be extended from the bow of the road south, along the west property line, to the lake.

Mr. Calderon stated that he had talked with Mr. Goad and an interested party regarding fencing along the south line; this has not yet been considered or addressed.

Members of the public were invited to speak in favor of this petition; the following appeared:
Remonstrance/Favorable

Steve Granner, Zoning Consultant, Bose McKinney & Evans stated they represent both adjoining property owners, Mr. & Mrs. Robert Goad immediately to the west of the site, and Mr. & Mrs. Steven Hilbert who own the property abutting to the east and south. Mr. Granner confirmed that there have been discussions regarding perimeter treatment with both clients, and they are interested in the details. Hopefully, future discussion at the Committee level will lead to documentation of perimeter treatment.

Rebuttal: None—Public hearing closed.

Department Comments, Jon Dobosiewicz. There are other layouts for this site that would accommodate the six lots but would also significantly change the character. A single street could enter the site and stub to the property line to the east as well as providing a cul-de-sac that may be longer than permitted but not perhaps necessitate a private drive. The Department does not have concern with the requests for the cul-de-sac length and the stub-street to property to the east. It is likely that the property to the east will develop similar to Williams Mill that is south and along Springmill Road, approximately 2.4 units per acre. This particular proposal is only 6 lots on 10 acres with approximately 1 ½ to 2 acre lots each. The one outstanding issue is that of a private street and in considering that matter on this particular site, the Department asks that the Plan Commission take into consideration certain criteria as specified in the Department Report. 1) Visibility of the gates from a main arterial such as 116th Street; and 2) The number of lots to be served. If this property were to have a roadway that went through it and would serve other subdivisions or connect more significantly to 116th Street as a collector, the Department would not be in favor of gating. Another factor is public standards versus private on the road construction. The streets within this subdivision are designed to public standards. Another consideration is safety gates and turn-arounds. During TAC review, the Fire Department brought up concerns with access to the site for safety reasons. The petitioner has been made aware of those requirements and will follow those as prescribed by the Fire Department regarding access into the site. There is also a turn-around provided so that traffic would not be entering the site and then backing up or out, onto 116th Street to exit the area. All six criteria from the Department will be furnished to the Committee prior to the meeting.

Dan Dutcher commented that if private streets were to become a frequent request, the Commission may be well served to try to establish some standards that could be applied on a more consistent basis and articulate the criteria for approval or non-approval of such a request.

Also, given the developmental status of 116th Street, would it be normal to expect that this development would incorporate the anticipated improvements such as the multi-use path, etc.?

Jerry Chomanczuk had questions regarding common access to the lake.

Mr. Calderon confirmed that the petitioner has indeed incorporated the multi-use path on the plans, and the required amount of right-of-way will be dedicated. Access to the lake is between the lots, however, the lake is designed for drainage and not recreational use.

Docket No. 188-03 PP (#03120002) Chateaux de Moulin Primary Plat was referred to the Subdivision Committee for further review at 7:00 PM on February 3, 2004 in the Caucus Rooms of City Hall.

4i. Docket No. 189-03 PP (#03120003):

Carlson Corner Subdivision (Minor)- Primary Plat

The applicant seeks to plat a 4-lot subdivision. The site is located at the SE corner 141st St/Towne Rd. The site is zoned S-1/Residence-Estate.

Filed by Craig Carlson of The 4 C Group.

Chris Badger, Badger Engineering, 117 West Elm Street, Lebanon appeared before the Commission representing the applicant. Craig Carlson was also in attendance.

The applicant is requesting approval for a minor, 4-lot Subdivision located on the southeast corner of 141st Street and Towne Road. The applicant has appeared before the Technical Advisory Committee and has addressed all concerns of the Committee.

The layout of the Subdivision was displayed on the overhead. The smallest lot will be 1.55 acres, the largest, 3.96 acres. Craig Carlson intends to construct his personal residence on lot one, (3.96 acres.) Currently there is a barn on the southern portion of lot one, and an IPL sub-station as well. After dedication of right-of-way, the 4-lot Subdivision will contain a total of 8.67 acres. All major right-of-way along 141st and along Towne Road will have a buffer zone. The 4-lot Subdivision is adjacent Saddle Creek, Section 11.

The applicant is requesting suspension of Rules of Procedure and a final vote this evening.

Members of the public were invited to speak in favor of this petition; no one appeared. Members of the public were invited to speak in opposition, the following appeared:

Andy Crook, 2288 West 136th Street, Carmel, (immediately south and east of the proposed Subdivision.) Mr. Crook expressed concern and opposition by reason of access. If access is directly from the homes to Towne Road, it is seen as a very dangerous and serious mistake. If the homes/drives empty onto Towne Road, it is a very bad thing. If there is egress from 141st Street, it should be located as far from the intersection as possible, since there has been an extreme increase in traffic at this location. Mr. Crook also had concerns about the drainage plan.

The public hearing was then closed.

Rebuttal: Chris Badger.

There is only one access for Towne Road to three lots with a private drive back to the homes. Lot number one will have a driveway permit from 141st Street, 250 feet from 141st Street. The access was reviewed at TAC Committee. The legal drain is located along the north end of the lot and Pittman Partners is rebuilding the drain—currently a 12-inch and will be a 27-inch drain. Craig Carlson has agreed to participate in the improvement of the legal drain. All drainage pulls to the rear and will run to the new legal drain. The applicant has been working with Stoeppelwerth & Assoc. regarding the drain. The applicant is aware of traffic concerns and has addressed them to the satisfaction of the County Highway Department.

Department Comments, Jon Dobosiewicz. Jon went over the criteria for review and approval of a Primary Plat.

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When this petition was reviewed, access and drainage was thoroughly discussed and the Department is in favor of one, single point of ingress/egress to service the lots from Towne Road as well as 141st Street. In addition, the petitioner is providing the multi-use path pursuant to the Thoroughfare Plan as well as dedication of a significant amount of right-of-way. The Department is in favor of suspension of the rules and action this evening.

In response to questions from Mark Rattermann regarding access for the lots, Chris Badger explained that there is an access easement for the lots. Also, there is a 50-foot access easement along the southern portion of lot 4 for the IPL sub-station. Lot two provides for a future turn around or round about in accordance with the Thoroughfare Plan.

Wayne Haney requested more detail, graphic presentation of the location of the roads, access, easements, pathways, etc. for Committee review.

Docket No. 189-03 PP (#03120003) Carlson Corner Subdivision (Minor) Primary Plat was referred to the Subdivision Committee for further review at 7:00 PM on February 3, 2004 in the Caucus Rooms of City Hall.

**Si. Docket No. 193-03 DP/ADLS (#03120009)
Park Northwestern Lot 13A (Starbucks)**

The applicant seeks to construct a new commercial building. The site is located at the southwest corner of Michigan Rd & Northwestern Dr. The site is zoned I-1/Industrial within the US 421/Michigan Rd Overlay Zone.

Filed by Trent Newport of Crossroad Engineers.

Trent Newport, Crossroad Engineers appeared before the Commission representing the applicant. Also in attendance was George Small of Design Point, architect.

The proposed commercial building will be located at the southwest corner of Michigan Road and Northwestern Drive, within the Michigan Road Overlay Zone, and zoned I-1/Industrial.

The building will consist of a Starbucks in the southern portion of the building, a Charter One Bank in the middle portion and retail space in the northern portion. The drive access is off Northwestern Drive and an additional access drive, shared with GasAmerica, is already existing. The site currently has an ingress/egress easement to share the drive with GasAmerica.

The building will have a drive-up facility to the rear—two windows—one window for Starbucks, another window for the bank teller. An ATM facility will be located on the western portion of the property.

The applicant has appeared before the TAC Committee for review and has addressed most all concerns with the exception of the landscaping. However, Panhandle Eastern Pipeline owns two, 30-inch gas mains that cross parallel with Northwestern Drive on the northwest portion of the property and limited landscaping has been done in this area.

There is also an easement for a 40-foot legal drain that crosses the property in the same area and the County will not allow landscaping in this area.

Meetings have been scheduled with the City Urban Forester and Panhandle Eastern to work out the landscaping concerns. Lot 12 and 13 of Northwestern Park will be re-platted to one lot (lot 13a). The petitioner will be filing for a variance for landscaping over the pipeline as well as the size requirement in the Overlay District for a development less than 3 acres.

George Small, architect, addressed the Commission regarding the architectural design of the building. The building will be a majority of red brick wrapping all four sides in keeping with the other retail spaces on Michigan Road. Some stone banding has been introduced both at the base, on the soffit, and the traditional area above the blue canopies. Three sides, Michigan Road, Northwestern Drive, and the south elevation, will have decorative fixtures to tie-in with the scheme of the entire complex and will have a mansard roof to cap off all four sides.

The drive through for the bank and Starbuck's has stone banding and a mansard roof. The same materials will be used in the ATM facility, stone, brick, and roof, so that it will tie-in with the balance of the development and the

trash enclosure. There were some concerns with the monument sign along Michigan Road and Northwestern, but again, the materials tie in with the brick and stone.

Members of the public were invited to speak in favor of the petition; the following appeared:

Michael Haffey, (neither for nor against) owner of an office building directly behind the proposed site in Northwestern Park, said there is a “ton of traffic” coming out onto Michigan Road at this location. There does not appear to be an access off Michigan Road other than Northwestern Drive and perhaps a stoplight should be considered at this location.

The public hearing was then closed.

Rebuttal: Trent Newport stated that during Technical Advisory Committee review, there were no comments regarding traffic at this corner. No separate entrance is being added onto Michigan Road—the GasAmerica entrance is shared. The State apparently has no plans to install a traffic signal at this location at this time.

Department Comments, Jon Dobosiewiz. There will be access to this site via GasAmerica onto 421. In addition, the access point off Park Northwestern Drive is set back a suitable distance that was reviewed by the County Highway Dept. The petitioner has also added access and is tying in to the multi-use path being added to the west as well as east side of Michigan Road. The petitioner is also working the Scott Brewer, Urban Forester, to provide design elements with regard to landscaping that might be found acceptable by Panhandle Eastern to help mitigate that request. The petitioner will be appearing before the BZA to reduce the amount of landscaping.

Jerry Chomanczuk asked the petitioner to submit an elevation showing the drive-thru areas for review at Special Study Committee.

Mark Rattermann also expressed concern regarding increased traffic in this particular area and the possibility of “rent-a-cops” to direct traffic.

Dan Dutcher questioned the shared drive-thru between the Bank and Starbuck’s—two lanes.

Per Trent Newport, the two lanes are parallel and provide adequate stacking. The inside lane serves Starbuck’s, the outside lane would serve the Bank. All traffic will exit through the GasAmerica site. Construction will begin next year to add additional lanes to Michigan Road. The State would make determination for a traffic signal; the State would not permit “rent-a-cop.”

Docket No. 193-03 DP/ADLS (03120009) Park Northwestern Lot 13A (Starbucks) was referred to the Special Study Committee for further review at 7:00 PM February 3, 2004 in the Caucus Rooms of City Hall.

6i. Docket No. 194-03 Z (#03120010) Miller Property - Rezone

The applicant seeks to rezone 3 acres from S-1/Residence to B-3/Business within the US 421/Michigan Rd Overlay Zone. The site is located at 11411 N Michigan Road.
Filed by David Warshauer, attorney, for Margaret M. Miller Living Trust.

Note: Rick Ripma was Recused for this item.

David Warshauer, attorney, 11 South Meridian Street, Indianapolis appeared before the Commission representing Jerry and Susan Alexander, also present this evening. Jerry Alexander operates Century 21 Alexander, a real estate brokerage firm, currently with offices in Lebanon. The applicant is requesting the rezone of approximately three (3) acres located at 11411 Michigan Road from its current, S-1/Residential classification.

Mr. Warshauer referred to residents of Woodhaven and Timber Ridge Subdivisions in attendance this evening. Those residents are concerned with the requested B-3/Business zoning and would be less concerned with B-

5/Business that would permit office uses but limit the amount of retail use, subject to some additional exclusions per certain items. Discussions have occurred with Mr. Andreolli who represents the organized remonstrance, and it would be the intention of the applicant to amend his petition accordingly.

Mr. Warshauer went on to say that the requested for B-3 will be scaled back. The property is located on the east side of Michigan Road, south of 116th Street, close to the Woodhaven Subdivision. Altum's Landscaping, zoned B-3, is to the south; the Advent Evangelical Lutheran Church is located across from the property.

The S-1 parcels that remain in Hamilton County between 96th Street to the south and the County Line are as follows. The subject 3-acre parcel; the Evangelical Lutheran Church property zoned S-1 but used for a church; and some small properties—one that appears to be held for development, and one that appears to be a residence but adjoins a hotel. Therefore, the subject parcel is one of only two parcels adjoining Michigan Road north of 96th Street in Hamilton County that is still used for residential purposes.

The improvements made by the Indiana Dept. of Transportation to the Michigan Road corridor have accelerated development. According to INDOT records, the average daily traffic count along Michigan Road between Marion and Boone Counties in 2001 was 15,980 vehicles per day. It is probably safe to say that today, the amount of traffic is much greater than 2001 figures.

The State plans involve widening Michigan Road from the 96th Street interchange to .65 miles north of 116th Street. It is intended that Michigan Road will be four lanes in front of this particular property. In fact, the owner has already conveyed property to INDOT for necessary widening of Michigan Road.

If this property were rezoned to any of the "B" Zone Districts, and within the Michigan Road 421 Overlay, improvements to this property would be subject to ADLS review by the Commission. Any change in the physical nature of the property would require further approval.

Mr. & Mrs. Alexander's plan at present is to make minimal changes to the 1,660 square foot existing residence to accommodate a real estate office. The plans also include the installation of a 7-space parking lot to the south of an existing garage and landscaping to the south of the parking lot. A ground sign is also planned. The trees and existing vegetation on site will remain.

The residents of Woodhaven Subdivision have employed attorney Mike Andreolli to represent them and the petitioner has had dialogue with Mr. Andreolli.

Members of the public were invited to speak in favor of the petition; organized remonstrance was as follows:

Mike Andreolli, attorney, Andreolli & Jacob, 1393 West Oak Street, Zionsville, appeared before the Commission representing residents of the Woodhaven Subdivision, 27 homeowners. Woodhaven borders the subject parcel on the north and partially on the east. The proposed change in zoning suggested from B-5 to B-3 classification is favorable to the Woodhaven residents. Generally speaking, there is no difficulty with the proposed use by Mr. Alexander. The concern of the residents is the actual zoning classification and the number of permitted uses that would be allowed for future use and the proximity of the residential use that has existed for so many years. The B-5 classification mirrors the use being proposed by the applicant. In addition, there are concerns within the B-5 classification that should be discussed with the applicant in terms of deed restrictions and commitments such as commercial parking, etc. Mr. Andreolli was confident that these concerns could be worked through prior to the Committee meeting and a unified agreement will allow the development to move forward. As currently configured, the property is a small parcel. However, future assurance for the property owners in Woodhaven that the property could not be allied with the Altum Gardens property that is essentially open space with very little physical plant that could be moved at a moment's notice. The residents would be satisfied with a B-5 classification with some minor deed restrictions and commitments.

The public hearing was then closed.

Rebuttal:

Dave Warshauer said that Mr. Andreolli was referring to restricting commercial parking, wireless and co-located antennae, and a bus station. The petitioner is willing to make deed restrictions that would eliminate the aforesaid uses from the B-5 District.

Department Comments, Jon Dobosiewicz. Most of the items in the Department Report have been articulated by the petitioner and remonstrance. The Department is willing to meet with the petitioner, petitioner's attorney, etc. in an effort to come to some agreement on the future process for the rezoning of this site. Subdivision Committee review is recommended.

Docket No. 194-03 Z (#03120010) Miller Property – Rezone was referred to the Special Study for further review at 7:00 PM on February 3, 2004 in the Caucus Rooms of City Hall.

At this time, the Commission took a 10-minute recess.

7i. Docket No. 195-03 PP (#03120011): Schaffer Subdivision- Primary Plat

The applicant seeks to plat a 54-lot subdivision on 41 acres +/- . The site is located at the northwest corner 131st St/West Rd. The site is zoned S-1/Residence-Estate. Filed by Jeff Douglass of Insight Engineering for Pittman Partners.

Steve Pittman, 370 Sander Court, appeared before the Commission representing the applicant. Neal Smith of Pittman Partners was also in attendance. The applicant is proposing to plat 54 lots on 41 acres. The Subdivision will be named Bellewood, and a variance request has been filed for Section 6.3.15 regarding street curvature, and Section 6.4.1 regarding length of subdivision block.

The property is located at 4512 West 131st Street, east of and adjacent to Austin Oaks Subdivision and the Boone County line, north and adjacent to 131st Street, south of 141st Street and west of West Road. The property is an irregular, "L" shape.

Surrounding land uses include a proposed Junior High School, an elementary school, the new City Transportation Facility, a 150-foot water tower, and the recently approved Carmel Dad's Club football complex. The applicant is not seeking a rezone but would be developing the property under the Residential Open Space Ordinance.

As a part of the proposed Subdivision, a 10-foot multi-use path would be installed along the 131st Street frontage and West Road. In addition, the plan currently contemplates a first-class, residential entryway with significant landscaping, masonry walls, and wrought-iron fencing. The northern portion of the property is heavily wooded and the majority of the woods will be preserved as well as the existing ravine.

The landscape plan provides for buffer yard and species.

Written commitments have been provided and recorded in regard to the property. Woodland preservation has been provided, open space has been incorporated into the development, and complements the surrounding area. Mr. Pittman requested that the public hearing be left open to allow for public comments at the Committee level.

Members of the public were invited to speak in favor of the petition; no one appeared. Organized remonstrance, unfavorable, was invited and the following appeared:

Michael Haffey, 13232 West Road, north of the treeline shown on the overhead. Mr. Haffey is president of Agency Associates, the largest, independent insurance agency in Hamilton County. Mr. Haffey spoke as a resident of the area and referred to a list of residents who submitted petitions. The number of persons on the petition is 19, and several of those persons opposing this development are in the audience this evening. The area residents met with Steve Pittman the previous evening and adequate time was not allotted for good decisions on this development. Mr.

Haffey referred to the Comprehensive Plan and the 20/20 Vision for the zoning and density for the area. Section 1.31 clearly states that the goal is stable, very low intensity, residential areas should be protected from de-stabilizing forces. Mr. Pittman's proposal is de-stabilizing. "No changes will be made through zoning or other public action which are adverse to the character of such an area." The Residential Open Space Ordinance may take away the Federally protected property rights of the citizens of Carmel. This is currently being researched.

Mr. Haffey commented that there is nothing specific in writing from Mr. Pittman about the quality of construction proposed, the mounding, setbacks, density, drainage, and no specific objections can be made to those items because there is nothing in writing. At this point, the area residents agreed to move forward, as long as the public hearing remains open. Clearly, the area residents are not in favor of this proposal.

Individuals in Opposition:

Deborah Schambak, 13280 West Road, concurred with comments by Mike Haffey. Area residents are prepared for development but would like the "Country-Like Setting" to be preserved. Ms. Schambak felt that the ROSO proposal was a "loophole" in the Ordinances. Traffic and density are major issues.

Cathy Lau Haffey, 13232 West Road, spoke on behalf of the residents on West Road and 131st Street. Asked for compassion on the part of the Commission for those residents on West Road that have only 5 acres and a lot to lose in degradation of property value. Mrs. Haffey stated the proposed development is not in keeping with the current residences on West Road.

The public hearing will remain open on this Docket.

Rebuttal: Steve Pittman said the proposed development would increase the value of the homes in the area because it takes away the uncertainty as to what will be developed on vacant land. Mr. Pittman spoke of the surrounding uses and the character of the area that will change with currently approved developments and the connectivity of the developments cited in the Carmel Thoroughfare Plan. Mr. Pittman has met with the Austin Oaks neighbors and the HOA and they have endorsed this development. Mr. Pittman will continue dialogue with the neighbors.

Department Comments, Jon Dobosiewicz. The Department Report references comments submitted by Mr. Haffey. There are legitimate concerns that should be reviewed, but those concerns should be reviewed as a matter of policy in which the Plan Commission makes recommendations to the City Council for further action in modifying the Subdivision Control Ordinance. The Subdivision Control Ordinance is the document that controls development for this piece of real estate. When mentions are made of "loopholes, etc" it is really the Comprehensive Plan that is the guide for the City—the Plan Commission makes recommendations on Ordinances that would be adopted by the Council to further those goals identified in the Comprehensive Plan. Through the provision of additional open space, additional density can be achieved. The petitioner has provided an example of the connectivity exhibit, and those developments are all bound by the same requirements as this particular proposal.

Jon further stated that the Technical Advisory Committee reviewed this development and all of their comments were addressed. Regarding drainage, the Department does have concerns and maintains those concerns regarding the block length. The petitioner is exploring a remedy to the situation. One outstanding comment that has not been addressed by the petitioner is access to the common area for use and enjoyment by all residents of the community. The Department would like to see a pedestrian access provided to the wooded area to the north so that it can be used and enjoyed by more than just the residents abutting the property line.

Additional comments regarding remonstrance: In reviewing a Primary Plat, it is the role of the Plan Commission to determine its conformity with the standards within the Subdivision Control Ordinance. Committee review should include Chapter 7 of the Subdivision Control Ordinance that talks about and highlights open space provisions and how those affect the density of a subdivision.

Jon Dobosiewicz referred to another outstanding issue, in addition to block length, and that is the centerline radius curvature and the variance. The applicant did not notice these two requests; however, these will be public hearing

items at the February Plan Commission meeting. The Department recommends this Docket be referred to Committee on February 3rd, and a public hearing held in February on the two waiver requests (block length and centerline radius.)

Docket No. 195-03 PP, (03120011) Schafer Subdivision Primary Plat was referred to the Subdivision Committee for further review at 7:00 PM on February 3, 2004 in the Caucus Rooms of City Hall.

Note: Committee Members should review Chapter 7 of the Subdivision Control Ordinance. Petitioner will submit commitments prior to Committee meeting.

8i. Docket No. 196-03 PP Amend; (#03120012); Heather Knoll Subdivision

The applicant is requesting approval of an amended Primary Plat to allow 79 lots on 39.587 acres +/- . The site is located northwest of 141st St and Towne Rd. The site is zoned S-1/Residence - Very Low Intensity. The petitioner also seeks approval of the following Subdivision Waiver:

196-03a SW (#03120013) SCO 7.1 subdivision base density

Filed by Dennis Olmstead of Stoeppelwerth & Assoc. for Pittman Partners.

Neal Smith, 13580 Ashbury Drive, Carmel appeared before the Commission representing the applicant. Steve Pittman was also in attendance. The applicant is requesting approval of an amended primary plat to allow 79 lots on approximately 39 ½ acres. Initially, the primary plat was approved for 32.587 acres; an additional 7 acres has been added to the plat.

Subdivision Variance requests have been filed for Section 5.2, Subdivision Density Incentive, as provided under Articles 7.14.1, 7.14.2, and 7.14.3. This Variance is requested as an incentive to allow for the proposed neighborhood collector extension to 146th Street as requested by the DOCS in order to provide a continuous connection between 126th Street and 146th Street.

The site is located east of Shelborne Road, north and adjacent to 141st Street, south and adjacent to 146th Street, and west of Towne Road. Neal Smith displayed a map of the area, and an aerial photograph so that not only the subject property can be viewed, but surrounding land uses and potential uses as well. Also shown were a site development plan and a connectivity exhibit showing inter-connectivity of the streets and neighborhoods from 126th Street to 146th Street. The southern property line is adjacent to The Trails at Hayden Run and individual residences.

The site development plan was shown. The proposal contains opens space of 12.58 acres designated as natural open space, designed open space, and ponds. The typical home site has a dimension of 80X130 feet deep and an average lot size exceeds 11,000 square feet or slightly over one-quarter acre. A system of trails will connect the open spaces and a gazebo will be constructed to provide a gathering place and also act as a focal point for this neighborhood.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared.

Phil Pegram, 2731 West 146th Street, Carmel, neighbor to the north and west of the proposed subdivision. Mr. Pegram asked about the density of the development if the waiver were not a part of the package. Mr. Pegram said he and two other neighbors had met with Steve Pittman to discuss the drainage issue to the Stutz, Allman Drain.

Public hearing was then closed.

Rebuttal, Steve Pittman: The initial plat on 32.57 acres was approved November 18, 2003; the density was 1.75 units per acre. As a part of the Comprehensive Plan, a portion of the road was extended through the property. The Department encouraged us to acquire or put the Hubbard property under contract to extend the street through the property. The only way the petitioner could justify incurring the cost was to increase the density.

Department Report, Jon Dobosiewicz. Jon referred to the connectivity exhibit. The Department encouraged the

petitioner to acquire the neighboring property and utilize for connectivity. The petitioner was not willing to accept the burden of a single loaded street without the ability to double load the street across a portion of this development to be able to pay the expense of building the roadway and an entrance on 146th Street. The difference in terms of density is perhaps 5 or 6 lots. The Department is recommending review by the Subdivision Committee.

Docket No. 196-03 PP Amend, (#03120012) Heather Knoll Subdivision was referred to the Subdivision Committee for further review at 7:00 PM February 3, 2004 in the Caucus Rooms of City Hall.

Note: Items 9i. through 20i., and Docket Nos. 199-03Z, 201-03 Z, and 203-03 Z were heard concurrently and voted in one motion.

**9i-20i. Docket Nos. 174-03 Z (03110029) through 185-03 Z (03110040)
Carmel/Clay Parks Rezones Various Carmel/Clay Township Park Sites,
P-1 Rezones**

Petitioner seeks a favorable recommendation of a rezone for the following properties to P-1/Parks and Recreation:

174-03 Z (03110029) Hazel Landing Park: S-1 Residence. E 106th / Hazel Dell

175-03 Z (03110030) Carey Grove Park: R-1 Residence. NE Carey Rd/E Smokey Row

176-03 Z (03110031) Central Park: R-1 Residence. NE College Avenue & 111th Street

177-03 Z (03110032) Cherry Tree Park: S-1 Residence SE Cherry Tree / Hazel Dell

178-03 Z (03110033) Founders Park: R-2 Residence. NE E 116th St/Hazel Dell Pkwy

179-03 Z (03110034) Monon N & S Trailheads: R-1 & S-2 Residence. Roher Rd/Grace Dr and I-465/E 96th St.

180-03 Z (03110035) Flowing Well Park: S-1 Residence. NE Gray Rd/E 116th St.

181-03 Z (03110036) West Park: S-1 Residence. 1/2 mi west of W 116th St/Towne Rd.

182-03 Z (03110037) Inlow Park: S-1 Residence. E of Hazel Dell Pkwy/E 131st St.

183-03 Z (03110038) River Trail: S-1 Residence. Along River Rd, btwn 126th St/Tall Timber Run.

184-03 Z (03110039) Lenape Trace Park: R-4 Residence. NW Westfield/E 96th St

185-03 Z (03110040) Meadowlark Park: R-2 Residence. SW Smokey Row/Old Meridian.

Filed by the Department of Community Services.

**21i-25i. Docket Nos. 199-03 Z (#03120020) through 203-03 Z (#03120016)
Carmel/Clay Parks Rezones (5)**

199-03 Z (#03120020) Monon Trail: multiple zonings.

~~200-03 Z (#03120019) Pleasant Grove Park:~~ R-1/Residence.
~~SE of Penn. St/E 111th St. (Withdrawn)~~

201-03 Z (#03120018) Prairie Meadow Park: S-1/Residence.
NE of Hazel Dell/E 131st St.

~~202-03 Z (#03120017) River Heritage Park:~~ S-1 Residence.
~~NE of Hazel Dell Pkwy/E 106th St. (Withdrawn)~~

203-03 Z (#03120016) Carmelot Park: S-1 Residence. NE of E 106th St/Hazel Dell
The applicant seeks to Rezone 5 areas to P-1/Parks throughout Carmel/Clay Township.

Filed by Carmel Department of Community Services.

Mike Hollibaugh appeared before the Commission representing the Department of Community Services. The numerous Dockets are a part of the City and Department's on-going effort to rezone a number of key pieces of ground to P-1 Parks and Recreation. Last year, the Department completed the first phase of the rezoning that took nearly all of the golf courses within the community and rezoned them to P-1 Parks. The second phase is to tackle all of the Park sites within the community and rezone to P-1.

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Mike Hollibaugh further commented that the P-1 District removes residential uses from the zoning classification, although there are a couple of other uses that are compatible with the P-1 Parks District—Historic Site, Museum, Religious and Charitable Institution, Park & Recreation.

The intent of the rezone is to give residents of the community a certain amount of safety or feeling that their property values are protected if they abut a Park Use or Golf Course Use. Any change in the use of the property would involve a legislative act by the City Council requiring a higher level of public process.

Members of the public were invited to speak in favor of or opposition to these petitions; no one appeared and the public hearing was closed.

Department Comments, Jon Dobosiewicz. Jon referred to a map that was included in the informational packets identifying both existing and proposed P-1 sites. All the properties that are the subject of the hearing this evening are owned either directly by the City of Carmel or by the Carmel/Clay Parks Board. There are two sites identified as being owned by the County. The Department will have discussion with the County within the next two months and encourage them that the City will take these two sites through the P-1 designation process. If there is no remonstrance, and if there are no issues/concerns, the Department recommends forwarding these Dockets to the City Council with a favorable recommendation.

Dan Dutcher stated that the Parks Board had reviewed the recommendation last week and their review was favorable.

Mark Rattermann was of the opinion that Carmelot Park was leased to the City of Carmel by the County.

Dan Dutcher responded that the Carmelot Park was offered to the Carmel Parks Board and it is now owned by the City.

Dan Dutcher moved to waive the Rules of Procedure in order to vote on the Parks Rezone items, seconded by Jerry Chomanczuk and Approved 9-0.

Dan Dutcher moved to forward **Docket Nos. 174-03Z through 185-03 Z and Docket Nos. 199-03 Z, 201-03 Z and 203-03 Z Carmel/Clay Parks Rezones** to the City Council with a favorable recommendation, seconded by Jerry Chomanczuk and Approved 9-0.

J. Old Business:

Note: Items 1j. and 3j. were heard together and voted on together.

1j. Docket No. 149-03 DP (#03090027)

Weston Park - Development Plan

The applicant seeks approval to construct 3 buildings. The site is located at the southwest corner of 106th and US 421. The site is zoned I-1/ Industrial and is within the US 421 Overlay. Filed by Paul Reis of Drewry Simons, Pitts & Vornehm for Kite Development Co, Inc.

Mark Monroe, attorney, Drewry, Simons, Pitts, et al appeared before the Commission representing the applicant, Kite Development Co. Also in attendance was Doug Peterson of Kite Development Co.

The applicant is seeking approval of a Development Plan for 5.7 acres located in Weston Park at the southwest corner of 106th and US 421, within the Michigan Road Overlay Zone and zoned I-1/ Industrial.

The site is divided into three lots. The National Bank of Indianapolis will occupy lot 1. Lots 2 and 3 have not yet been determined and ADLS applications will be filed for Plan Commission review at the time of determination. However, lighting and landscaping will be consistent throughout lots 1, 2, and 3.

The Weston Park Center Identification Signage will be located at each entrance to Weston Park and constructed of masonry base, brick pillars, and matching Weston Park identification. The middle of the sign is reserved for tenant identification per the tenant preference.

The applicant appeared before the Special Study Committee on January 6th. After confirmation of consistent landscaping and signage along Michigan Road and 106th Street, the applicant received a 4-0 positive recommendation.

Department Comments, Jon Dobosiewicz. Jon Dobosiewicz confirmed that the Committee vote was 4-0 positive recommendation on both items. At this time, Jon reviewed the process for the benefit of the new Commission members. At this time, the Department is recommending approval of the Development Plan as well as approval of the signage plan as submitted by the petitioner and reviewed by the Committee.

Jerry Chomanczuk moved for approval of **Docket Nos. 149-03 DP Weston Park Development Plan, and 153-03 ADLS Weston Park Signage**, seconded by Mark Rattermann, **APPROVED** 9-0.

2j. Docket No. 154-03 ADLS (#03100005)
Weston Park - National Bank of Indianapolis

The applicant seeks approval build a financial institution building. The site is located at the southwest corner of 106th and US 421. The site is zoned I-1/ Industrial and is within the US 421 Overlay.

Filed by E. Davis Coots of Coots, Henke, & Wheeler, P.C. for National Bank of Indianapolis.

Dave Coots, attorney, Coots, Henke & Wheeler, 255 East Carmel Drive, appeared before the Commission representing the applicant. Also in attendance was Diana Brenner, Brenner & Assoc., Architects.

This particular lot consists of 1.3 acres with entry off a roadway that intersects at 106th Street to the west and an entry off a roadway that enters off 421, Michigan Road. The exit from this site onto 421 is a right turn only; there is a median that divides north/south traffic on 421.

The pending application is for Architectural Design, Lighting, Landscaping and Signage. The Special Study Committee reviewed this item at Special Study Committee on January 6th along with the Development Plan and Signage for Weston Park.

The National Bank of Indianapolis seeks to construct an approximate 3900 square feet branch bank, similar to the existing branch at 86th and Ditch Road, and 82nd and Bash Streets. The appearance of the building is limestone simulation, actually EFIS material, and striped. There is limestone around the archway entryway and the window materials include granite and a bronze, anodized window.

The lighting is ground lighting at the front of the bank; the parking lot will be illuminated with five light standards with down-directional fixtures. Directional shields have been added to the ground lighting to avoid light spillage off the tract. A signage issue at the Committee related to the inclusion of the "T" logo, and the applicant has agreed to eliminate that logo from the directional signs.

The Committee made a 4-0 positive recommendation to the full Commission, and the applicant is requesting approval at this time.

Department Comments, Jon Dobosiewicz. The petitioner has made the recommended changes to the site signage for directional purposes. Jon explained the approval process for the benefit of the new Commission members. At this time, the Department is recommending approval of this petition as amended in regard to directional signage.

Dan Dutcher moved for approval of **Docket No. 154-03 ADLS, Weston Park, National Bank of Indianapolis**, as amended by Committee, seconded by Mark Rattermann, **APPROVED 9-0**.

- 3j. **The Docket No. 153-03 ADLS (#03100004) Weston Park- Signage**
The applicant seeks approval of the site's signage plan. The site is located at the southwest corner of 106th and US 421. The site is zoned I-1/ Industrial and is within the US 421 Overlay.
Filed by Paul Reis of Drewry Simmons, Pitts & Vornehm for Kite Development Co, Inc.

See Item 1j Comments—APPROVED 9-0

- 4j. **Docket No. 163-03 DP (#030100015)**
Carmel Science & Technology Park, Lots 11B & 11C:
Congressional Flex Space- Development Plan
The applicant seeks to construct two buildings. The site is located at southwest 122nd St & Congressional Blvd. The site is zoned M-3/Manufacturing.
Filed by Mila Slepaya of Mid-States Engineering.

TABLED TO FEBRUARY 17, 2004

- 5j. **Docket No. 78-03 PP Amend; (03050038);**
The Lakes at Hamilton Place (Formerly: Eagle Ridge Subdivision)
The applicant is requesting approval of an amended Primary Plat to allow a private street. The site is located on the north side of West 116th Street, 1/4 mile east of US 421. The site is zoned S-1/Residence - Estate. The petitioner also seeks approval of the following Subdivision Waiver:
78-03a SW (03050039) SCO 6.3.20 private streets (*this Waiver Only*)
The site is located on the north side of West 116th Street, 1/4 mile east of US 421.
The site is zoned S-1/Residence - Estate.
Filed by David Sexton of Schneider Engineering for Dura Development, Inc.

Charlie Frankenberger, 5212 Carrington Circle, Carmel, attorney with Nelson & Frankenberger, appeared before the Commission representing Dura Development. Paul Shoopman of Dura Development was also present.

The subject site is located east of Michigan Road, west of Shelborne Road, south of 121st Street, and north of 116th Street; to the east of the real estate is the Pulte Subdivision known as Long Branch Estates.

The Estate Section of "The Lakes at Hamilton Place" is located in the southeast corner of the real estate. The petitioner is requesting private streets for the Estate Section only and not the balance of the Subdivision. In order to construct gates and utilize a gated entry, a waiver for private streets must be obtained.

The 24-lot Estate Section is unique in that all lots will be "estate size," and the homes will be very expensive. Currently, there is a 24,000 square-foot home in existence at this location on lot 99, served by a private street. The homes will be at the ultra high end; it is hopeful that this area will host the "2005 Home-A-Rama." The petitioner will comply with all recommendations of the Police and Fire Departments, and they have indicated no objection to the gated community.

Other than the gate enhancement, the private streets will not be distinguishable from public

streets and will be built entirely to public standards. The streets will be maintained through mandatory assessments by the homeowners' association against the 24 lots in the Estate Section. There will also be a "guardhouse" at the entrance gate.

Department Comments, Jon Dobosiewicz. The primary plat amendment and the three waiver requests were acted upon by the Executive Committee on December 19, 2003 and approved. It was felt that this one item with regard to private streets was appropriate to forward to the Subdivision Committee. The Committee reviewed the waiver request for private streets on January 6 and forwarded this item to the full Commission with a favorable recommendation. It is noteworthy to the Commission that this area of the subdivision provides for a turn-around at the gates—not directly visible from 116th Street. Currently, there is a gate to the single residence at this site that would be eliminated as part of this Subdivision. This street will be built to public standards, no connections on the street that would connect to another neighborhood for purposes of conformance with the Thoroughfare Plan, and all safety concerns have been addressed to the satisfaction of the Fire Dept. and Police Department. At this time, the Department's recommendation is consistent with the Committee for approval.

Dan Dutcher had the following comments. There is no concern with the aesthetics, quality or desirability of this development. The concern simply relates to the gate and perhaps setting a precedent in approving the request for the private street and gated community. Absent a more formal establishment of policies and procedures and review criteria that the Plan Commission and sub-committees can use in order to assess these kinds of requests, it is not deemed appropriate to approve this waiver request at this time.

Leo Dierckman referred to two previous approvals of private streets/gated communities, and the issue of the image this projects. This particular community will not be visible from the main east/west thoroughfare. However, there probably should be more criteria for approval of this type of request and perhaps this can be covered at the coming Orientation/Training Session. Also, each project is on its own merit and not precedent-setting.

Mark Ratterman commented that he is not opposed to this request. Gated communities are done throughout the U.S. and Indianapolis as well. There are several communities in Carmel that are already like this—some of which have installed gates after development completion. There is an issue, though. If the roads are built to City/municipal standards, the residents will be paying for the maintenance of the street twice, through their tax dollars and through the HOA assessment, and they may not be willing to do so. If the streets were not built to City/municipal standards and the residents did not want to pay for the maintenance anymore, it would be a problem for the City to take over the streets. In this particular case, the streets are built to City standards. The developer will be able to market this as an exclusive street and that is not a negative thing. It does say "exclusive," and that is not a problem.

Dan Dutcher had further comments regarding his position on gated communities and expectations of quality development. There would be an expectation that future developments would incorporate gated communities as well. There should be some criteria/guidelines.

Mark Ratterman moved for approval of Docket No. 78-03z SW private streets for The Lakes at Hamilton Place, seconded by Wayne Haney, **APPROVED** 8 in favor, 1 opposed (Dan Dutcher.)

K. New Business:

1k. Docket No. 198-03 ADLS (#03120015) (*TABLED***)**

Greyhound Commons, Phase II - ADLS

The applicant seeks approval build a restaurant building. The site is located at the southwest corner of Greyhound Pass and E. 146th Street. The site is zoned PUD-Planned Unit Development. Filed by Paul Reis of Drewry Simmons Pitts & Vornehm for Kite Greyhound, LLC.

There being no further business to come before the Commission, the meeting was adjourned at 10:30 PM.

Leo Dierckman, President

Ramona Hancock, Secretary